

TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Barbara McDaniel, MMC, Assistant Town Clerk/954-797-1023

PREPARED BY: Barbara McDaniel, MMC, Assistant Town Clerk/954-797-1023

SUBJECT: May 7, 2008 minutes

AFFECTED DISTRICT: n/a

ITEM REQUEST: Schedule for Council Meeting

TITLE OF AGENDA ITEM: May 7, 2008 (Regular Meeting)

REPORT IN BRIEF: Council minutes from the May 7, 2008 Council meeting.

PREVIOUS ACTIONS: n/a

CONCURRENCES:

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

RECOMMENDATION(S): Motion to approve

Attachment(s): May 7, 2008 minutes

**TOWN OF DAVIE
REGULAR MEETING
MAY 7, 2008**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:06 p.m. and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present at the meeting were Mayor Truex, Vice-Mayor Luis and Councilmembers Caletka, Crowley and Starkey. Also present were Town Administrator Shimun, Town Attorney Rayson, and Town Clerk Muniz recording the meeting.

Mayor Truex requested a moment of silence in memory of Davie Police Officer Bill Britton, who had recently passed away.

3. OPEN PUBLIC MEETING

Antoine Fourcand, president of Emerald Isles West Condominium, stated that he had discovered changes allowed to the permits issued to the Downtown Davie project developers, such as the removal of the requirement for the developer to sign an agreement with the Condominium Association. Mr. Shimun advised that this had been removed because it was the Town's position that this was a civil matter between the parties. He stated that the Town had agreed to allow the developer to complete work within the right-of-way and any damage done to the Emerald Isles property in the process was a civil matter. Mr. Fourcand stated that the plans gave a third party specific permission to make changes to the Emerald Isles property elevation, drainage system and water storage capacity. Mr. Shimun stated that the Town had not issued permits for work to be done outside the easement. Mr. Fourcand believed the approved plans included work to be done outside the easement. Councilmember Crowley asked Town Engineer Le Nguyen if any work was proposed for outside the right-of-way. Mr. Nguyen reported that the developer had violated the NPDS requirements and the Town had reissued the permit to allow the developer to address those issues. He explained that work on the easement required altering the grading on the parking lot and the Town had advised the developer to contact the homeowner association and coordinate the work to ensure there would be no impact to their property.

Councilmember Crowley believed that the original approved plans showed improvements outside the easement, specifically in the Emerald Isles parking lot, and this was why the agreement had been a requirement. Mr. Nguyen said that the Emerald Isles engineer had contacted the developer regarding moving the road onto the developer's property rather than encroaching on Emerald Isles' property. Acting Development Services Director Marcie Nolan confirmed that the permit had been issued only to allow work within the easement. Councilmember Crowley was unaware that the new permit had been issued and he did not agree with it.

Mr. Fourcand explained to Councilmember Caletka that since the developer had already violated Emerald Isles' property rights by taking some of their parking, Emerald

Isles had no choice but to allow the developer onto the property to address the drainage issues.

Richard Meyers was disappointed Mayor Truex had toured the Park City Estates area without management or homeowner association representation. He noted the amount of cut-through traffic that occurred, which needed to be addressed. Mayor Truex agreed to tour the property again.

Reverend Barbara Lee Powers Mayer said that her association wanted to make Wolf Lake Park “The Gem of America.” They had a proposal she wanted the Town to consider that included relieving the Town of some of the maintenance responsibility and she believed they could attract sponsors for projects at Wolf Lake Park. Reverend Powers said they had spoken with Operations Supervisor John Cassaro and Mayor Truex advised her to approach the Parks and Recreation Advisory Board.

Judy Paul, representing the Davie Area Land Trust, gave an update on the plantings in the 8th Street park. She thanked the Parks and Recreation and Public Works Departments for their help with this project.

Ms. Paul lamented the passing of Officer Britton and sent her condolences to former mayor Harry Venis, whose mother had passed away recently.

Karen Stenzel-Nowicki distributed information on fiscal land banks and explained that these dated back to the Great Depression and were primarily in farming and rural communities. She noted the fiscal impact the current foreclosure crisis would have on the Town.

Craig Vanderlan, representing Adopt a Hurricane Family, applauded Davie for its participation in the CDBG Block Grant program that provided help with mobile home repair and replacement. He provided an update on the program’s process and stated that they hoped to begin the first installation within three weeks. Mr. Vanderlan indicated that nine to twelve units per week would be installed.

Mayor Truex advised that the Planning and Zoning Board had tabled item 6.6 and Council was asked to table it as well.

Councilmember Crowley made a motion, seconded by Councilmember Starkey, to table item 6.6 to June 4, 2008. In a voice vote, all voted in favor. (Motion carried 5-0)

4. APPROVAL OF CONSENT AGENDA

Minutes

- 4.1 March 5, 2008 (Regular Meeting)
- 4.2 March 19, 2008 (Regular Meeting)
- 4.3 April 2, 2008 (Regular Meeting)

Business Tax Receipt

- 4.4 Davie Road Investments, 3636 Juniper Lane

Resolutions

- 4.5 **DELEGATION REQUEST - A RESOLUTION OF THE TOWN OF DAVIE,**

- R-2008-78 FLORIDA, APPROVING A DELEGATION REQUEST TO INDICATE ALL IMPROVEMENTS REQUIRED BY THE PLAT KNOWN AS "POINTE WEST CENTER NORTH" HAVE BEEN FULFILLED, AND PROVIDING AN EFFECTIVE DATE. (DG 2-1-08, Rick Case) (tabled from April 16, 2008) [see related items 4.31 and 6.5]
- 4.6 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE
R-2008-79 BIDS FOR HORTICULTURAL CHEMICALS.
- 4.7 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AWARDING THE
R-2008-80 BID FOR SUPPLY AND INSTALLATION OF MOBILE VIDEO DIGITAL CAMERA SYSTEMS FOR THE DAVIE POLICE DEPARTMENT. (Decatur Electronics, Inc. - \$34, 480)
- 4.8 **TERM EXTENSION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2008-81 EXTENDING THE TERM OF THE AGRICULTURAL ADVISORY BOARD UNTIL APRIL 2009; AND PROVIDING AN EFFECTIVE DATE.
- 4.9 **TERM EXTENSION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2008-82 EXTENDING THE TERM OF THE BUDGET ADVISORY COMMITTEE UNTIL APRIL 2009; AND PROVIDING AN EFFECTIVE DATE.
- 4.10 **TERM EXTENSION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2008-83 EXTENDING THE TERM OF THE OPEN SPACE ADVISORY COMMITTEE UNTIL APRIL 2009; AND PROVIDING AN EFFECTIVE DATE.
- 4.11 **TERM EXTENSION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2008-84 EXTENDING THE TERM OF THE PARKS AND RECREATION ADVISORY BOARD UNTIL APRIL 2009; AND PROVIDING AN EFFECTIVE DATE.
- 4.12 **TERM EXTENSION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2008-85 EXTENDING THE TERM OF THE SENIOR CITIZENS ADVISORY COMMITTEE UNTIL APRIL 2009; AND PROVIDING AN EFFECTIVE DATE.

- 4.13 **TERM EXTENSION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,\
- R-2008-86 EXTENDING THE TERM OF THE YOUTH EDUCATION AND SAFETY ADVISORY BOARD UNTIL APRIL 2009; AND PROVIDING AN EFFECTIVE DATE.
- 4.14 **SUNSET** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
- R-2008-87 SUNSETTING THE WATER AND ENVIRONMENTAL ADVISORY BOARD; AND PROVIDING AN EFFECTIVE DATE.
- 4.15 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
- R-2008-88 AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT BETWEEN THE TRANSPORTATION EMERGENCY RESCUE COMMITTEE (TERC, USA) INC. AND THE TOWN OF DAVIE, FOR THE USE OF THE BERGERON RODEO GROUNDS FOR AN EXTRICATION CHALLENGE AND REQUESTING TO WAIVE RENTAL FEES. (waiver of fee - \$3,000)
- 4.16 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
- R-2008-89 AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT WITH SCOUTMASTER'S CAMPOREE, SOUTH FLORIDA COUNCIL, BOY SCOUTS OF AMERICA AND THE TOWN OF DAVIE FOR UTILIZING THE BERGERON RODEO GROUNDS AND HOLDING A MEMORIAL DAY PARADE AND WAIVING RENTAL FEES AND GRANTING PERMISSION FOR THE USE OF SERVICES AND EQUIPMENT. (waiver of fee - \$3,686)
- 4.17 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
- R-2008-90 AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT WITH BURTON & ASSOCIATES, INC. TO PROVIDE A COMPREHENSIVE IMPACT FEE STUDY. (\$32,141)
- 4.18 **AMENDED AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE,
- R-2008-91 FLORIDA, APPROVING AND EXECUTING THE 2008 AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF DAVIE, PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM BROWARD COUNTY FIFTH CENT ADDITIONAL LOCAL OPTION GAS TAX ON MOTOR FUEL FOR TRANSIT, AND PROVIDING FOR AN EFFECTIVE DATE.

- 4.19 **AMENDED AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE,**
R-2008-92 FLORIDA, APPROVING AND EXECUTING THE 2008 AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF DAVIE, PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS OF THE BROWARD COUNTY SIXTH CENT LOCAL OPTION GAS TAX IMPOSED BY THE BROWARD COUNTY LOCAL OPTION GAS TAX ORDINANCE, AND PROVIDING FOR AN EFFECTIVE DATE.
- 4.20 **AMENDED AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE,**
R-2008-93 FLORIDA, APPROVING AND EXECUTING THE 2008 AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF DAVIE, PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM THE BROWARD COUNTY "ADDITIONAL" LOCAL OPTION GAS TAX ON MOTOR FUEL ORDINANCE, AND PROVIDING FOR AN EFFECTIVE DATE.
- 4.21 **GRANT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**
R-2008-94 AUTHORIZING THE APPLICATION FOR A \$6,327.00 GRANT FROM THE BULLETPROOF VEST PARTNERSHIP PROGRAM ADMINISTERED BY THE U.S. DEPARTMENT OF JUSTICE WHICH WILL REIMBURSE A PORTION OF THE COST OF BALLISTIC VESTS TO THE TOWN OF DAVIE POLICE DEPARTMENT, AND AUTHORIZING ACCEPTANCE AND EXECUTION OF THE GRANT, IF AWARDED.
- 4.22 **GRANT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**
R-2008-95 SUPPORTING AND AUTHORIZING THE APPLICATION FOR A \$126,250.00 GRANT FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE IMPLEMENTATION OF AN AGGRESSIVE DRIVING CAMPAIGN AND AUTHORIZING THE EXECUTION OF THE GRANT, IF AWARDED.
- 4.23 **SELECTION OF FIRM - A RESOLUTION OF THE TOWN OF DAVIE,**
R-2008-96 FLORIDA, SELECTING THE FIRM OF VERMONT SYSTEMS, INC. TO PROVIDE RECREATION MANAGEMENT SOFTWARE AND TRAINING AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AN AGREEMENT FOR SUCH PRODUCTS AND SERVICES.

- 4.24 **BOND REFUNDING - A RESOLUTION OF THE TOWN COUNCIL OF THE**
R-2008-97 TOWN OF DAVIE, FLORIDA, AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2008A OF THE TOWN OF DAVIE, FLORIDA, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$7,250,000 FOR THE PURPOSE OF REFUNDING THE TOWN'S OUTSTANDING GENERAL OBLIGATION BONDS, SERIES 1989; AWARDING THE SALE OF THE BONDS TO WACHOVIA BANK, NATIONAL ASSOCIATION; PROVIDING FOR SECURITY FOR THE BONDS; CONTAINING OTHER PROVISIONS RELATING TO THE BONDS; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.
- 4.25 **BOND REFUNDING - A RESOLUTION OF THE TOWN COUNCIL OF THE**
R-2008-98 TOWN OF DAVIE, FLORIDA, AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2008B OF THE TOWN OF DAVIE, FLORIDA, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$1,541,250 FOR THE PURPOSE OF REFUNDING THE TOWN'S OUTSTANDING GENERAL OBLIGATION BONDS, SERIES 1999; AWARDING THE SALE OF THE BONDS TO WACHOVIA BANK, NATIONAL ASSOCIATION; PROVIDING FOR SECURITY FOR THE BONDS; CONTAINING OTHER PROVISIONS RELATING TO THE BONDS; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.
- 4.26 **BOND REFUNDING - A RESOLUTION OF THE TOWN COUNCIL OF THE**
R-2008-99 TOWN OF DAVIE, FLORIDA, AUTHORIZING THE ISSUANCE OF PUBLIC IMPROVEMENT REVENUE REFUNDING BONDS, SERIES 2008A OF THE TOWN OF DAVIE, FLORIDA, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$1,825,000 FOR THE PURPOSE OF REFUNDING THE TOWN'S OUTSTANDING PUBLIC IMPROVEMENT REVENUE BONDS, SERIES 1999; AWARDING THE SALE OF THE BONDS TO WACHOVIA BANK, NATIONAL ASSOCIATION; PROVIDING FOR SECURITY FOR THE BONDS; CONTAINING OTHER PROVISIONS RELATING TO THE BONDS; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.
- 4.27 **BOND REFUNDING - A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE**
ISSUANCE OF PUBLIC IMPROVEMENT REVENUE REFUNDING

BONDS, SERIES 2008B OF THE TOWN OF DAVIE, FLORIDA, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$6,010,000 FOR THE PURPOSE OF REFUNDING THE TOWN'S OUTSTANDING PUBLIC IMPROVEMENT REVENUE BONDS, SERIES 2001; AWARDED THE SALE OF THE BONDS TO WACHOVIA BANK, NATIONAL ASSOCIATION; PROVIDING FOR SECURITY FOR THE BONDS; CONTAINING OTHER PROVISIONS RELATING TO THE BONDS; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.

- 4.28 **MITIGATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2008-101 APPROVING A REQUEST FOR MITIGATION OF CODE COMPLIANCE LIENS IN CASE NO. 07-1217 FROM \$5,000.00 IN AMOUNT TO \$ 1,635.98; AND PROVIDING AN EFFECTIVE DATE.
- 4.29 **MITIGATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2008-102 APPROVING A REQUEST FOR MITIGATION OF CODE COMPLIANCE LIENS IN CASE NO. 07-1357 FROM \$41,250.00 IN AMOUNT TO \$ 12,005.23; AND PROVIDING AN EFFECTIVE DATE.
- 4.30 **PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A PLAT KNOWN AS THE "BRIERWOOD ESTATES" AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE THE APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SAID PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 2-2-06, Brierwood Estates, 1385 SW 131 Terrace) *Planning and Zoning Board recommended approval [see related items 4.32 and 6.4]*

Quasi-Judicial Consent Agenda

- 4.31 SPM 8-6-07, Rick Case Hyundai Dealership, 3550 Weston Road (tabled from April 16, 2008) (BP) (tabled from April 16, 2008 *Site Plan Committee recommended approval subject to the planning report [see related items 4.5 and 6.5]*
- 4.32 MSP 12-8-05, Brierwood Estates, 1385 SW 131 Terrace (A-1) *Site Plan Committee recommended approval subject to Vice-Chair Engel's conditions regarding the asphalt recreational trail (the conditions being that the asphalt recreational trail shall meet the Town of Davie development standards for recreational trails); 2) subject to Ms. Lee's landscape recommendations which were a) that the developer provide a*

landscape buffer along the western perimeter which backed up to lots 13 through 16, b) to add an additional street tree as required by Code in the rear yards, and c) to talk with the landscape architect about changing out the Bald Cypress which were located in the buffers with canopy trees that would be full and thick all year long; 3) that the developer would come back before the Committee with all their elevations; 4) make the floor plans reflect the elevations and it was okay for the site plan to proceed forward; 5) that the driveways on lots 1 and 38 be as close as possible to the western property lines of those two lots; 6) that the driveway for lot 28 be at the northern most portion of that lot; 7) that there be a backup generator at the lift station; 8) that the developer would consider some type of landscaping on the south side of SW 14th Street; and 9) that the entrance monument be shown on the site plans [see related items 4.30 and 6.4]

Councilmember Starkey pulled items 4.24, 4.25, 4.26, 4.27, 4.30 and 4.32 from the Consent Agenda. Councilmember Crowley pulled item 4.14. Councilmember Caletka pulled items 4.28 and 4.29.

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve the Consent Agenda, less items 4.14, 4.24, 4.25, 4.26, 4.27, 4.28, 4.29, 4.30 and 4.32. In a voice vote, all voted in favor. (Motion carried 5-0)

5. DISCUSSION OF CONSENT AGENDA ITEMS

4.14 Councilmember Crowley opposed sunseting this Board. Mayor Truex stated that the Board had asked to be sunsetted and he felt they could re-establish it later, if desired. Councilmember Starkey agreed and felt they could re-establish this Board to help facilitate the Town's Green Building and other initiatives.

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve. In a voice vote, with Councilmember Crowley dissenting, all voted in favor. (Motion carried 4-1)

4.24 Councilmember Starkey asked the current interest rate on the bonds, what the anticipated rate was for refinancing, and what the savings would be. Damon Adams, the Town's financial advisor, believed this would save the Town money "over the long haul." He explained that the average rates for 2006 ranged from 3.79% to 4.14% and from 3.90%, to 4.24% for 2007. The fixed rates would range from 3.28% to 4.10%, to be guaranteed for the life of the bonds.

Councilmember Caletka made a motion, seconded by Councilmember Starkey, to approve, subject to the requirement that the rates Wachovia bid on would be equal to or less than what they originally bid.

Mr. Adams said they had re-run several schedules since the original bid and rates had gone up. Councilmember Caletka stated that a representative had guaranteed him that the rates would be lower.

Councilmember Caletka wanted to withdraw his motion, but Councilmember Starkey did not.

Mayor Truex stated that he would vote against the motion because they should approve this as written.

In a voice vote, with Mayor Truex dissenting, all voted in favor. (Motion carried 4-1)

Vice-Mayor Luis stated that he wanted to pull his vote.

Councilmember Crowley wanted to hear from the Budget and Finance Director Bill Ackerman on this matter. Mr. Ackerman explained that they had chosen Wachovia after the bid process, and all rates had shifted up a bit since that time. He stated that staff needed Council's approval to go forward with Wachovia to lock in the rates. Mr. Ackerman said that Council's motion would likely not go through because all rates had increased since Wachovia's original proposal.

Councilmember Starkey made a motion, seconded by Mayor Truex, to reconsider Council's vote. Councilmember Caletka opposed the reconsideration because of "information misrepresented to me and I think it's a questionable process at best."

In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Luis - yes; Councilmember Caletka - no; Councilmember Crowley - no; Councilmember Starkey - yes. (Motion carried 3-2)

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve 4.24. In a voice vote, with Councilmember Crowley and Councilmember Caletka dissenting, all voted in favor. (Motion carried 3-2)

4.25 Councilmember Starkey made a motion, seconded by Mayor Truex, to approve. In a voice vote, with Councilmember Crowley and Councilmember Caletka dissenting, all voted in favor. (Motion carried 3-2)

4.26 Councilmember Starkey made a motion, seconded by Mayor Truex, to approve. In a voice vote, with Councilmember Crowley and Councilmember Caletka dissenting, all voted in favor. (Motion carried 3-2)

4.27 Councilmember Starkey made a motion, seconded by Mayor Truex, to approve. In a voice vote, with Councilmember Crowley and Councilmember Caletka dissenting, all voted in favor. (Motion carried 3-2)

4.28 Councilmember Caletka disagreed with the mitigation and would vote against the resolution.

Councilmember Starkey noted that the applicant had left the section asking the reasons for granting the mitigation blank. Code Compliance Official Danny Stallone explained that the applicant had written a letter pursuant to his request and indicated that the violations were not significant, but had resulted in a large fine. He said that this case was suitable for mediation because the property was now in compliance. Mr. Stallone estimated that administrative costs for the case were covered by the mitigated amount.

Councilmember Crowley made a motion, seconded by Mayor Truex, to approve the amount to be \$2,500. In a voice vote, all voted in favor. (Motion carried 5-0)

4.29 Councilmember Crowley made a motion, seconded by Mayor Truex, to approve the amount to be \$1,800. In a voice vote, all voted in favor. (Motion carried 5-0)

4.30 Mr. Rayson swore in the witnesses.
Deputy Planning & Zoning Manager David Abramson summarized the planning report.

Councilmember Starkey asked if the invasive trees on the property could be relocated to the school rather than be destroyed. Bill Laystrom, representing the applicant, advised that the engineer had okayed this and asked Council to indicate this would be done only if it were possible, and that it would be someone else's responsibility to decide this.

Councilmember Crowley said that he would be making a motion to table the item because there were two bodies of water on the property for which approval to fill had not yet been granted from the Water Management District. He advised the applicant to seek approval from the Water Management District and return to Council. Mr. Laystrom agreed to do this.

Mr. Laystrom said that he wanted the deed restriction to be worded to indicate a maximum of 38 single-family homes for the two sites. He had also agreed to provide a landscape buffer on the south side of 18th Street with species that were acceptable to the District Councilmember, the applicant, and staff. Mr. Laystrom agreed to comply with the buffering requirements from the Site Plan Committee on the west side of the site.

Councilmember Starkey was concerned about a street crossing for students on 130th Avenue. Mr. Laystrom agreed to provide a school crossing.

Mr. Rayson opened the public hearing portion of the meeting.

Christine Galbraith said that she and her neighbors were concerned about the construction inconvenience, the additional traffic and the drainage. She wanted the density on the northern 10 acres limited, and for this to carry with the land. Ms. Galbraith asked that trees be placed on the south side of 14th Street.

Ms. Nolan informed Council that staff had consulted the Local Road Master Plan, which called for this to be one lane in each direction with a center turning lane.

Mr. Rayson closed the public hearing portion of the meeting.

Council gave their disclosures on this item.

Councilmember Starkey made a motion, seconded by Councilmember Crowley, to table to May 21, 2008. In a voice vote, all voted in favor. (Motion carried 5-0)

4.32 Councilmember Starkey made a motion, seconded by Councilmember Crowley, to table to May 21, 2008. In a voice vote, all voted in favor. (Motion carried 5-0)

6. PUBLIC HEARING

Ordinances - Second and Final Reading

6.1 **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, PROHIBITING GRAFFITI; AND RELATING TO NUISANCES, BY CREATING THE GRAFFITI PREVENTION AND**

REMOVAL ORDINANCE, PROVIDING DEFINITIONS; DECLARING A NUISANCE; UNLAWFUL ACTIVITIES AND DUTIES OF REMOVAL; DESIGNATING THE TOWN OF DAVIE POLICE DEPARTMENT AND CODE ENFORCEMENT WITH INVESTIGATORY AND ENFORCING AUTHORITY; SETTING FORTH A PROCEDURE FOR IMPLEMENTATION AND A BUDGET FOR FUNDING; PROVIDING FOR CIVIL AND CRIMINAL REMEDIES; PROVIDING FOR CONFLICT, SEVERABILITY, INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE. **{Approved on First Reading April 16, 2008. All voted in favor.}**

Mr. Rayson read the ordinance by title.

Councilmember Starkey was concerned that the ordinance did not distinguish between provisions for civil versus criminal and noted that there was a section missing in Section 406. She also wanted to remove chalk from the ordinance. Councilmember Starkey said that she would meet with Mr. Rayson regarding these corrections.

Councilmember Crowley made a motion, seconded by Vice-Mayor Luis, to table to allow Councilmember Starkey to meet with Mr. Rayson.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, Mayor Truex closed the public hearing portion of the meeting.

In a voice vote, all voted in favor. (Motion carried 5-0)

- 6.2 **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12, BY ADDING ARTICLE XVII, AFFORDABLE HOUSING INCENTIVE PROGRAM, DIVISION 1; SECTION 12-571 PURPOSE; SECTION 12-572 DEFINITIONS; SECTION 12-573 INCLUSIONARY UNIT REQUIREMENTS; SECTION 12-574 DENSITY BONUSES; SECTION 12-575 INCLUSIONARY HOUSING PLAN; SECTION 12-576 CONSTRUCTION STANDARDS FOR INCLUSIONARY UNITS; SECTION 12-577 EXPEDITED REVIEW OF PLANS; SECTION 12-578 PAYMENT OF FEE IN LIEU OF INCLUSIONARY UNITS; SECTION 12-579 ALTERNATIVE COMPLIANCE AND SUBMITTAL OF PROPOSED DEVELOPERS AGREEMENT FOR APPROVAL BY TOWN COUNCIL; SECTION 12-580 ELIGIBILITY FOR INCLUSIONARY UNITS; SECTION 12-581 SALES AND RENTAL PRICES FOR INCLUSIONARY UNITS; SECTION 12-582 QUALIFICATIONS FOR ELIGIBLE HOUSEHOLDS UNDER THE INCLUSIONARY AFFORDABLE HOUSING PROGRAMS; SECTION 12-583 PRIORITY FOR PARTICIPATION IN AFFORDABLE HOUSING PURCHASE PROGRAMS; SECTION 12-584 PRIORITY FOR PARTICIPATION IN AFFORDABLE HOUSING RENTAL PROGRAMS; SECTION 12-585 AFFORDABLE HOUSING TRUST FUND; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY;**

AND PROVIDING FOR AN EFFECTIVE DATE. {Approved on First Reading April 16, 2008. The vote was as follows: Mayor Truex - yes; Vice-Mayor Luis - yes; Councilmember Caletka - no; Councilmember Crowley - yes; Councilmember Starkey - yes}

Mr. Rayson read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, Mayor Truex closed the public hearing portion of the meeting.

Vice-Mayor Luis thought this item was scheduled for review in October. Ms. Nolan clarified that staff had intended to review it one year from the effective date.

Vice-Mayor Luis felt 20% was too high and would stifle development.

Councilmember Starkey did not think the ordinance went far enough. She asked about the progress of Broward County's inclusionary zoning ordinance. Housing & Community Development Director Shirley Taylor-Prakelt reported that this was still in the workshop phase at the County level.

Councilmember Caletka felt this was "socialistic" and would have a negative affect on new construction.

Councilmember Crowley made a motion, seconded by Councilmember Starkey, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Luis - no; Councilmember Caletka - no; Councilmember Crowley - yes; Councilmember Starkey - yes. (Motion carried 3-2)

6.3 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING MOBILE HOME RELOCATION ASSISTANCE, DEVELOPER'S RIGHTS AND RESPONSIBILITIES; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS INCONSISTENT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. {Approved on First Reading April 16, 2008. The vote was as follows: Mayor Truex - no; Vice-Mayor Luis - yes; Councilmember Caletka - yes; Councilmember Crowley - yes; Councilmember Starkey - no}

Mr. Rayson read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, Mayor Truex closed the public hearing portion of the meeting.

Councilmember Starkey felt this ordinance did not go far enough. She stated that she had discussed the mobile home crisis with several legislators and the Governor when she was in Tallahassee for Broward Days.

Councilmember Crowley made a motion, seconded by Councilmember Caletka, to approve.

Mayor Truex was convinced that this was as far as the Town could go within the limits of the law. He stated that he would vote against this because he wanted to wait a few weeks to obtain an outside legal opinion. Councilmember Caletka supported this ordinance because it represented progress.

In a roll call vote, the vote was as follows: Mayor Truex - no; Vice-Mayor Luis - yes; Councilmember Caletka - yes; Councilmember Crowley - yes; Councilmember Starkey - yes. (Motion carried 4-1)

Ordinance - First Reading/Quasi-Judicial Item (Second and Final Reading to be held May 21,

2008)

- 6.4 **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 12-2-05, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT TO R-5, LOW MEDIUM DENSITY DWELLING DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 12-2-05, Brierwood Estates, 1385 SW 131 Terrace) (tabled from April 16, 2008)

Earlier in the meeting, Councilmember Starkey made a motion, seconded by Councilmember Crowley, to table to May 21, 2008. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Luis - yes; Councilmember Caletka - yes; Councilmember Crowley - yes; Councilmember Starkey - yes. (Motion carried 5-0)

Quasi-Judicial Item

- 6.5 V 9-1-07, Rick Case, Hyundai Dealership, 3550 Weston Road (BP) (to reduce the minimum 70 foot setback from all exterior property lines for stucco-aced concrete block buildings to a 25 foot exterior property line setback from State Road I-75) (tabled from April 2, 2008) *Planning and Zoning Board recommended approval [see related items 4.5 and 4.31]*

Mr. Rayson read the request by title and swore in witnesses.

Bill Laystrom, representing the applicant, advised Mayor Truex that he had promised residents that the upper floors of the parking garage would be used for storage, not display, so the lights would not be turned on in the evening. Display vehicles would be located in the lower portions of the parking garage. He acknowledged that the proportion of display/storage vehicles would change with inventory, but it would usually be approximately 50/50. Mr. Laystrom stated that they had also promised to permanently secure the light screens.

Mr. Rayson opened the public hearing portion of the meeting. As no one spoke, Mr. Rayson closed the public hearing portion of the meeting.

Council gave their disclosures on this item.

Councilmember Starkey made a motion, seconded by Vice-Mayor Luis, to approve, subject to the conditions they had discussed.

Councilmember Starkey asked that the dealership consider motion detectors and timers for the security lights. She also asked that some climbing vegetation be considered for the exterior walls.

In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Luis - yes; Councilmember Caletka - yes; Councilmember Crowley - yes; Councilmember Starkey - yes. (Motion carried 5-0)

Item to be tabled

6.6 **PLANNING AND ZONING BOARD TABLED TO MAY 14, 2008;
COUNCIL CAN TABLE TO JUNE 4, 2008**

VACATION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING VACATION APPLICATION VA 9-1-07 "DAVIE PROFESSIONAL PLAZA" VACATING A PORTION OF RIGHT-OF-WAY (O.R.B. 7652, PG 91 AND 92, B.C.R.) LYING IN THE EAST 1/2 OF THE NORTH 1/2 OF TRACT 36, SECTION 33-50-41, EVERGLADES SUGAR AND LAND COMPANY SUBDIVISION, AS RECORDED IN PLAT BOOK 3, PAGE 6 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (VA 9-1-07, Davie Professional Plaza, 5355 SW 76 Avenue)

This item was tabled earlier in the meeting.

7. APPOINTMENTS

7.1 Agricultural Advisory Board (one exclusive appointment per Councilmember; terms expire April 2010) (insofar as possible, members shall have experience in agricultural matters, related occupations or other similar skills)

No appointments were made.

7.2 Budget Advisory Committee Board (one exclusive appointment per Councilmember; terms expire April 2010) (members shall have experience in a financial related occupation, or similar skills)

No appointments were made.

7.3 Open Space Advisory Committee Agency (two exclusive appointments per Councilmember; terms expire April 2010)

No appointments were made.

7.4 Parks and Recreation Advisory Board Agency (two exclusive appointments per Councilmember; terms expire April 2010) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

Councilmember Starkey appointed Barney Osborne.

7.5 Senior Citizen Advisory Committee (two exclusive appointments per Councilmember; terms expire April 2010) (members shall be a minimum 60 years of age)

No appointments were made.

7.6 Water and Environmental Advisory Board (two exclusive appointments per Councilmember; terms expire April 2010) (insofar as possible, one member shall be a licensed engineer)

No appointments were made.

- 7.7 Youth Education and Safety Advisory Committee (one exclusive appointment per Councilmember - term expires April 2008) (members shall, whenever possible, have interest and expertise in law enforcement, elementary school instruction, education matters, child psychology, pediatric medicine, parenthood and grandparenthood)

No appointments were made.

- 7.8 Planning and Zoning Board/Local Planning Agency (one exclusive nomination per Councilmember; term May 28, 2008 to May 26, 2009) (member must be a resident and qualified voter; **nominations require Council approval**)

Vice-Mayor Luis nominated John Cappozoli. In a voice vote, all voted in favor. (Motion carried 5-0)

Councilmember Crowley nominated Scott McLaughlin. In a voice vote, all voted in favor. (Motion carried 5-0)

Councilmember Starkey nominated Mimi Turin. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex nominated John Stevens. In a voice vote, all voted in favor. (Motion carried 5-0)

- 7.9 Unsafe Structures Board (two non-exclusive appointments; terms expire April 2009) (one appointment shall be a plumbing contractor and one appointment shall be a real estate property manager - both members shall be a permanent resident or have their principal place of business within the Town's jurisdiction)

No appointments were made.

8. OLD BUSINESS

- 8.1 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA SUPPORTING THE PROPOSED CENTRAL BROWARD EAST-WEST TRANSIT APPROVED BY THE BROWARD METROPOLITAN PLANNING ORGANIZATION (MPO) AND ENCOURAGING THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) TO CONTINUE TO WORK WITH LOCAL GOVERNMENTS DURING THE ENGINEERING PHASE TO DESIGN A TRANSIT SYSTEM BEST ABLE TO SUPPORT TRANSIT AND PROTECT THE NEEDS OF THE TOWN OF DAVIE. (tabled from April 16, 2008)

Councilmember Caletka said that this had been addressed by the Metropolitan Planning Organization and he had conveyed the Town's wishes. He suggested they move on. Mr. Shimun wondered if the Town should state an official position. Mayor Truex

believed they should take a position on: elevated lanes, Lexus lanes, a transit station to serve the Regional Activity Center and the educational facility, and mass transit.

Ms. Nolan explained that only the transit component had been brought back to Council. This was because the Department of Transportation [DOT] had combined two complex topics - the Lexus lanes and the transit station; therefore, the resolutions on record were convoluted. The Lexus lanes were moving ahead and funded and only discussion on transit remained. She agreed that staff supported transit stations on the south side to support redevelopment areas. This resolution clarified the Town's position with the fallout of the Lexus lane location.

Councilmember Starkey had spoken with the Broward County Mayor Wexler and a few County Commissioners, and there was confusion about what happened west of University Drive. She felt transit stations should be located on the south side by 441 and 84, as well as College Avenue, and acknowledged there was opposition to having transit on the south side west of University.

Mayor Truex, Vice-Mayor Luis and Councilmember Starkey wanted to create a resolution regarding the Town's position. Councilmember Caletka clarified that there had been a vote to approve a study on the south side of I-595. He had voted against this because the study excluded the north side and because eminent domain could be used to acquire land, possibly including some Davie commercial property.

Ms. Nolan reported that staff had been working with DOT to help ensure that the next phase would be educational for both DOT and for Town staff. She believed drafting the resolution this way would allow for more collaboration between the Town and DOT consultants.

Mayor Truex invited Councilmembers to confer with staff to create a proposal for their next agenda.

9. NEW BUSINESS

9.1 Charter Review Board Recommendations (tabled from April 16, 2008) Police/Fire chief nominating committee

Scott Spages felt public input for the police and fire chief positions was a good idea and the process provided a measure of "insulation from a mistake being made."

Councilmember Starkey remembered that such a committee had been used by previous Mayors and she agreed that this provided more citizen involvement and greater transparency.

Councilmember Crowley opposed this idea as he believed the Town Administrator had made sound choices regarding these positions. Councilmember Caletka opposed this as well, stating, "Any time you have a group of citizens for any level, enter the politics, and whenever the politics enter, then not necessarily the best government comes to light."

Mayor Truex supported the idea. He felt residents should vote on it and he trusted residents to give the selections proper consideration. Mayor Truex agreed that Mr. Shimun had made excellent selections, but he did not agree with the current procedure because there could be a perception that "it's some inside thing." Mayor Truex did not believe a nominating committee process indicated disrespect for the Town Administrator and it would make it a more open process.

Vice-Mayor Luis stated that when he made managerial decisions, “I certainly don’t like them made by a committee.” He agreed that Mr. Shimun had made excellent selections in his hires, and he did not want to slow down the process.

Councilmember Starkey said that the point was not to second guess, but to look to the future. She believed residents had been frustrated with the current process in the past, and that was why this proposal had come up. She thought Council should let the people decide if they approved of the nominating committee.

Mr. Shimun said that this was a “complete bastardization of the Council/Manager form of government” and it made the police and fire chiefs responsible to Council, not the Town Administrator.

Full-time town attorney/independent attorney

Councilmember Starkey was concerned that the words, “for legal correctness” had been stricken, since this was expected of the Town Attorney. Mayor Truex felt this might be intended to allow the Town Attorney more latitude. Mr. Rayson clarified that he always reviewed items for legal correctness, but for other reasons as well. He agreed that the Charter Review Board’s intention was probably not to limit the Town Attorney to reviewing items for legal correctness only.

Council agreed to this suggestion.

Changing term of office from three to four years

Mayor Truex was opposed to this change. He stated that three years worked out well and staggered the election cycle from those of the Governor or President.

Vice-Mayor Luis did not oppose four-year terms, but opposed moving elections to November. He stated that he had supported this, but his residents unanimously opposed this.

Mr. Spages opposed moving the election as well. He acknowledged that it would save the Town \$50,000 a year, but said that, “I’m all for saving every last dollar we can, but I’m not for killing our democracy for \$50,000 a year.” He believed there was a benefit to holding the local elections separate from State and National elections. If all of these elections were held at the same time, he felt the local elections would be lost in the process.

Mayor Truex agreed the cost was secondary. Councilmember Starkey agreed and pointed out that significant local issues could be lost in a process that included other elections.

Remove the requirement for Council to meet twice per month.

Town Clerk Muniz explained that this was intended to allow Council more discretion in scheduling their meetings.

Councilmember Crowley said that Council would still meet twice per month.

Mr. Rayson informed Council that some municipalities had a rule that Council did not meet during one specific month.

Mayor Truex believed Council meetings should “run like clockwork.” He remarked that Councilmembers were permitted to miss a couple of Council meetings, which they could do for vacation time, if needed. Mayor Truex said that, “We’re here to serve the public and when we take time off, the public’s inconvenienced.”

All Councilmembers except Mayor Truex agreed this item should be put to residents for a vote.

Salaries

Mr. Spages believed Council was underpaid and felt that in order to draw a good field of candidates, the Town should offer proper compensation. He explained the Board had averaged the salaries of the five Broward cities closest in population to Davie to calculate the suggested salaries.

Councilmember Starkey was in favor of this because the language proposed would give the residents the choice. Councilmember Crowley was not in favor of moving forward without knowing exactly what the salaries would be. Vice-Mayor Luis pointed out that this increase would not affect this Council. He noted that the current salary did make the position a hardship for some people.

Mayor Truex remembered that the last time this issue had come up, voters had rejected it. In light of current budget cuts, he felt this was not the year to be asking for a raise. He believed that Council should decide their own salary instead of calculating it based on other municipalities' salaries. Mayor Truex stated, "Basically, the job is ...a volunteer job and there's a stipend attached to it."

Councilmember Crowley opposed this because it was too large an increase.

Councilmember Caletka acknowledged that they all had not pursued the position for the paycheck.

9.2 Crime Victims Memorial Garden - Councilmember Starkey and Judy Wong

Earlier in the meeting, Councilmember Starkey stated that this was issue time sensitive because it must be presented to the County Commission. The group wanted to be sure the Town had no objection to this memorial in Long Key.

Ernest Bertha, Leadership Broward, said that they had been directed to this area by members of the Parks Commission and they had the support of Broward Mayor Lois Wexler. Dr. Bertha explained that this use of the land would not cost the Town any money as they had secured private donations for this.

Councilmember Starkey said that the group needed a letter of support to move forward with the concept. Dr. Bertha stated that they had received unanimous support from the Parks Advisory Board and were on the County Commission's May 13th agenda.

Councilmember Starkey asked Mr. Shimun to prepare a letter of support.

9.3 "Save My Train" Outreach Effort

Councilmember Caletka explained this was an outreach program for the Tri-Rail system

Mr. Cohen withdrew the item.

9.4 Negotiations for Weekley Site - Councilmember Starkey

Councilmember Starkey stated that she had brought back permission for staff to update the appraisals. She now wanted Council to approve staff entering negotiations and developing conceptual ideas. Council approved.

10. SCHEDULE OF NEXT MEETING

This item was not discussed.

11. MAYOR/COUNCILMEMBER'S COMMENTS

MAYOR TRUEX

RECYCLING AT BAMFORD PARK. Mayor Truex supported the idea of a pilot recycling program at Bamford Park promoted by the School Environmental Club.

MEMORIAL DAY FESTIVITIES. Mayor Truex announced a parade and ceremony would be held on May 26th and asked Councilmembers to attend.

WHISPERING PINES LIGHTS. Mayor Truex asked if this matter had been settled. Mr. Nguyen said that his assistant had visited the site and reported that the lighting was not warranted because the site already had enough light.

COUNCILMEMBER CALETKA

POLICE RESPONSE. Councilmember Caletka commended Police Chief Patrick Lynn for the police efforts in Councilmember Caletka's district.

COUNCILMEMBER STARKEY

BROWARD DAYS. Councilmember Starkey expressed exasperation with the Broward Days trip and said that frustration reached a level so high that there was an effort under way to create a new State. She indicated that she had spoken with Governor Crist regarding Davie's affordable housing and mobile home crises.

VICE-MAYOR LUIS

AUTOMATIC EXTERNAL DEFIBRILLATOR ORDINANCE. Vice-Mayor Luis advised that he had spoken with a cardiologist regarding the importance of this, and the doctor believed it was very important that every municipality adopt this ordinance.

12. TOWN ADMINISTRATOR'S COMMENTS

BROWARD DAYS. Mr. Shimun agreed with Councilmember Starkey's comments regarding the Broward Days visit and advised that David Sigerson had indicated that there was an "all-out assault on local government." Mr. Sigerson believed legislators meant to redirect residents' attention away from the legislators' inactivity on important matters.

13. TOWN ATTORNEY'S COMMENTS

13.1 Litigation Report

Mr. Rayson reported a conversation with outside Counsel Mike Burke on the Club Eden versus the Town. He advised that the case was set for trial on August 26th and Mr. Rayson believed there was an opportunity to pursue settlement negotiations, for which he asked Council's approval. Mayor Truex believed Mr. Rayson could enter discussions without Council approval. Councilmember Starkey rejected this, stating, "I believe they're wrong, and I believe in taking it to the wall." The rest of Council agreed that Mr. Rayson could enter discussions.

14. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 10:24 p.m.

Approved_____

Mayor/Councilmember

Town Clerk